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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hideki Saga

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EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

12/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Remarks

1. Applicant's Remarks filed on October 10, 2008 have been fully considered. Claims 17-20 have been amended to overcome the previous 35 USC § 112 second paragraph rejection. Accordingly, the amended feature has no antecedent basis in the original specification. In Applicant's specification, for example, section 0033 and Fig. 2, there is no phrase or its equivalent such as "operated in a first condition and a second condition". Instead, Applicant discloses a process of optimizing the recording condition of the information recording apparatus (lines 1-3 of section 0033). In other words, the indefinite "a first condition and a second condition" can be interpreted as conditions of turning on/off power supply, judging whether a recording medium is loaded or whether the apparatus is in idle state.

Drawings Objected To, Details Not Shown

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the amended feature "a first condition and a second condition" must be shown or the feature canceled from the claims. No new matter should be entered.

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Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 17, the limitation "wherein the apparatus is operated in a first condition and a second condition in a reproducing the marks corresponding to the test information, a target condition of a track servo operation of the position control means is unchanged in reproduction under the first condition as compared with a track serve condition in a time when the test information is recorded, and is changed in reproduction under the second condition as compared with the track serve condition in the time when the test information is recorded, wherein the changed content of the control operation

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for the position control means is a tracking-offset amount, indicated by the position control means in a case where the test information is supplied to the drive means and recorded on the recording medium, as recorded marks formed side by side among adjacent tracks, wherein in a case where the test information is supplied to the drive means and recorded on the recording medium, the test information inconsistent with a conversion rule of a encoding means is used, wherein the test information containing a longer run-length than a run-length rule of the encoding means is used and wherein the recording condition is controlled in accordance with a signal amplitude in the first condition and a signal amplitude in the second condition" can not be determined in light of the 112, 1st rejection.

Similarly, in each of Claims 18-20, the amended phrase "the apparatus is operated in a first condition and a second condition" can not be determined in light of the 112, 1st rejection.

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Allowable Subject Matter

5. Claims 17-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

6. *Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

December 9, 2008

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627